

United States District Court**for****Southern District of Ohio****Amended Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: **Michael Fitzgerald Hall**Case Number: **1:01CR00036**Name of Sentencing Judicial Officer: **The Honorable S. Arthur Spiegel**
United States Senior District JudgeDate of Original Sentence: **November 15, 2001**Original Offense: **Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) and 924(a)(2), a Class C Felony.**Original Sentence: **60 month(s) prison, 36 month(s) supervised release**Type of Supervision: **Supervised Release**Date Supervision Commenced: **September 2, 2005**Assistant U.S. Attorney: **Timothy D. Oakley, Esq.**Defense Attorney: **Richard Smith-Monahan, Esq.**

PETITIONING THE COURT

- ☒ Warrant previously issued and subject is in custody
☐ To issue an Order to Appear and Show Cause
☐ To grant an exception to revocation without a hearing.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1	The defendant shall participate in a program of substance abuse and mental health treatment at the direction of the U. S. Probation Office. 1) On April 8, 2008, he was terminated from treatment at Ikron, Inc., as he failed to show up for his appointment. 2) Mr. Hall admittedly relapsed and had admitted himself to the Starting Over Program. He left their facility on April 4, 2008, and his whereabouts were unknown.
#2	While on supervised release, you shall not commit another federal, state or local crime. On April 21, 2008, Hall was arrested for Possession of Drug Paraphernalia in Hamilton County, Ohio (08-CRB-13172). The following day, he appeared in Hamilton County Municipal Court pleading no contest and was found guilty. He was sentenced to one day confinement and given credit for one day served. As he had a federal warrant for his arrest, he was released to U.S. Marshals custody.

U.S. Probation Officer Recommendation:

Since being on supervision, Mr. Hall has had difficulty abstaining from the use of illegal drugs. In 2006, the Court was notified that Hall had been arrested on charges of Burglary in Hamilton County, Ohio. He pled no contest, but was found guilty of this charge. At that time, a life-long friend of Hall's who is also a drug counselor requested that Hall enter a long term treatment facility. As a result, Hall entered River City which is a locked, long term residential treatment facility in Cincinnati. He completed their program in May 2007 and

RE: HALL, Michael

Page Two

admitted himself to the Starting Over Program which is a transitional living facility for individuals who are not ready to live on their own due to their history of using drugs and alcohol. He remained at their facility until October 2007.

Over the past five months, it appeared Hall was doing well. However, on March 10, 2008, this officer was informed that Hall was not showing up at work nor did he keep his counseling appointments. He finally admitted that he had used drugs and was having a difficult time with his son who was just released from prison. Hall went back to his counselor, but admitted himself a week later to University Hospital as he was contemplating suicide. He was in the hospital for four days. When he was released, he again saw his counselor at Ikron and admitted that he needed more help. He went back to the Starting Over Program on April 3, 2008. This officer spoke with him and the assistant director on April 4, 2008, and Hall stated he had to be there in order not to use. Unfortunately, he left the evening of April 4 and has not been heard from since. His girlfriend also called and stated Hall was threatening to kill her and was abusive towards her, but she would not file charges nor did she provide a number of how to contact her. Therefore, this officer is not able to verify that this actually occurred.

On April 21, 2008, Hall was arrested by Cincinnati Police and charged with Possession of Illegal Drug Paraphernalia. While searching Hall, officers found a glass crack pipe in his possession. He appeared in Hamilton County Municipal Court the following day pleading no contest and was found guilty. He was given credit for one day served in jail with no other sentence imposed. He was released to the custody of the U.S. Marshals as he has a warrant for supervised release violation.

As a result of the above information, it is respectfully recommended that revocation proceedings be initiated and his supervision be revoked. Hall has been given numerous chances to comply with treatment and to remain sober.

The term of supervision should be

- ☒ Revoked.
- ☐ Extended for years, for a total term of years.
- ☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
- ☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that
the foregoing is true and correct.

Executed on **April 23, 2008**



Darla J. Huffman
U.S. Probation Officer

Approved,

by



Robert C. Frommeyer
Supervising U.S. Probation Officer
Date: **April 23, 2008**

RE: HALL, Michael

Page Three

THE COURT ORDERS:



No Action

The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release.

☐


The Issuance of an Order to Appear and Show Cause

☐

The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.

☐

Other


Signature of Judicial Officer

7/24/08
Date